and gradually reforming matters, were working towards punishing them in the same manner as theft within the tribe.

The fights between Montenegro and the Turks were usually brought about in this manner. The Montenegrins raided the Turkish borders, especially Herzegovina, till the Turks sent punitive expeditions. All sheep-stealers were considered heroes.

So far as my own experience goes I never had a thing stolen from me when among the Albanian tribes; they dealt honestly by me always.

FINES FOR OTHER MATTERS

In the case of rape the injured family may take blood; or it may compound for peace and accept about £30. The father of an illegitimate child must pay for its keep.

For killing a sheep or cattle a fine of about £2 to £3 per head.

For cutting wood in the forest of others, £2.

For stealing fruit, etc., according to value.

For putting a beast to graze on someone else's pasture, £2.

For putting beasts to graze on your own tribal pasture before the right season, £4.

(The sums given are only approximately taken at the then value of piastres.)

INHERITANCE

No land may be sold or bequeathed to a member of another tribe or any outsider.

The possessor of land can only sell it to his nearest male relative on his father's side.

Women cannot inherit land.

The house and such land as belongs to it is inherited by all a man's sons equally. As a matter of practice they continue living in it, and the eldest son is "zoti i shpis" (house-lord). I have seen a young man of twenty-eight years ordering his old uncles about in most peremptory manner. Expressing surprise at the way they obeyed, I was told: "They must—God has made him house-lord."

Failing sons, the property belongs equally to the nearest male relatives of the deceased, who usually would be his brothers. The eldest is then house-lord.

Should a man leave a wife who has had no children, she is of no account, and must leave the house and return to her father's house. Should she have a son under the age of fifteen she remains to mind the house till he inherits it. Till he is fifteen a guardian takes charge of his affairs. At fifteen he is of age and can carry arms. If the widow has

2: Durham B-5 (ca. 1910)1928 EG1 Albania EG1

Birth, Marriage, and Death

Among the Dukagini I met several virgins, but all wore women's dress. As a rule, in all districts, the sworn virgin became servant to one of the priests, and often joined the Third Order of St. Francis. Some became nuns or worked in one of the Scutari nunneries. 689 562

In the Maltsia e Madhe, in the case of a man with several daughters and no son, by his wish one could swear virginity and act as his son. He could bequeath to her his house and land for her lifetime, after which it reverted to the nearest male heir. Such a virgin had the right to sell her younger sisters. Such an one, aged about forty, I met in the Hoti tribe (Plate VIII). [428]

In the Dukagini tribes, where the virgins do not wear men's dress, they cannot inherit and live on and work the land during their lifetime as in Maltsia e Madhe. The land goes to the next male heir, and he must pay the virgin yearly 300 okos of maize, 18 of rakija, and 30 of wine, and she can enforce payment by appeal to the Council of Elders.

One case only did I hear of a virgin breaking her vow. She had been for years servant to the priest of Baitza, and was accounted holy. On his death she was forty, and shocked the country-side by eloping with a Gusinje Moslem. No one dared follow to take vengeance in such a dangerous district, but it was piously hoped that she would pay the price of her crime in hell. [689]

On the way from Berisha to Apripa we passed a huge rock. A virgin so holy that she was almost a saint, had vowed to carry it to the church at Berisha. She carried it safely a long way. Then in the forest she heard a shepherd fluting, and looked at him and admired him. Straightway she forgot the heavenly things on which she had fixed her mind; she dropped the rock, and when she tried to pick it up again found she had lost her miraculous strength. And there the rock stands. 689 562 773

In spite of many inquiries, I failed to hear of a case of a young man refusing to marry his betrothed bride. People were surprised I should ask and always replied: "But why should he? God has made all women alike." On the other hand, I met some cases of blind fury ending in blood-feud where a father had broken faith and sold his betrothed daughter to someone else. I argued with one man who was "in blood" that it was stupid to want to marry a girl he had never seen and who did not want him—people in other lands would laugh at him. He furiously replied that the girl had been paid for years ago by his father; the return of the bride-price made no difference; she was their property, and he would get her if he had to shoot her husband to do so. His honour and that of his whole house had been blackened. If people in other lands laughed at him it only showed they had no honour. 585 583 578 577 583

I asked often why the young men did not choose for themselves, 587

4: Garnett B-4, 5 (ca. 1880) 1891
EG1 Albania EG1

Vaghia,[1] not one escaping. Shainitza caused the town to be razed to the ground, and, after cutting off the hair of the women with every insult which she could heap upon them, this tigress in human form drove them forth with their children to the mountains, menacing any with a like doom who should venture to give food or shelter to the objects of her wrath. The traveller passing through the valley of Drynopolis may to this day see in the wall of the khan the tablet which records, in letters of gold, the number of the dead and the date of their sacrifice to the *manes* of the mother and the fury of the sister of the Vizier of Ioannina.

In a codicil to her will, Khamko directed that a *hadji*, or pilgrim, should be despatched on her part to lay offerings on the tomb of the Prophet, and pray there for the repose of her soul. Such pilgrimages and offerings may, however, only be made when the expenses are defrayed with money lawfully and honestly acquired. And as it was found on inquiry into the estate of the late Veli Bey, Ali's ancestor, that the property to be sold for this purpose had been taken by force or fraud from a Christian, the pilgrimage was disallowed by the religious authorities.

Such extreme ferocity of disposition as that manifested by Khamko and Shainitza is, however, exceptional among Albanian women, and even in Ali Pasha's

[1] The Greek poet, Aristotle Valaorites, has made Thanasé Vaghia the subject of one of his most striking poems, Ὁ βρυκόλακας, "The Vampire," a translation of which may be found in my *Greek Folk-songs*, p. 121. The tragedy of Ἡ κυρὰ φροσύνη, "The Lady Phrosyne," by the same writer, part of which I saw acted in an open-air theatre at Salonica, gives a vivid picture of Ali Pasha and his Court.

4: Garnett B-4, 5 (ca. 1880) 1891
EG1 Albania EG1

583 184 principal inhabitants of Orosh have all been acquired in this way, and far from resenting or being ashamed of the circumstance, they are, on the contrary, proud of it, and their relatives accept the situation on payment of the usual dowry. And although they may not embrace with enthusiasm the faith into which they are generally baptised as a preliminary to marriage, they scrupulously observe its external forms, are much devoted to their husbands, proud of their reputation, and jealous of their honour, which, should occasion require, they are ready either to defend or avenge.

428 611 Among these exogamous tribes, succession is, as a rule, in the male line. If, however, there are no surviving sons, and a daughter chooses to remain single, she may enjoy the usufruct of her father's property, which on her death reverts to her nearest male relatives. If a man die childless his property is divided among his male relatives, who pay to his widow a pension, she remaining in his house or returning to her friends as she pleases, and retaining all that she has received from her parents either before or after her marriage.

567 428 As with the Osmanlis, the children by slaves of Moslem Albanians have an equal right with those of free mothers to succeed to the estate of their father.[1]

587 If the deceased husband has an unmarried brother, the latter has a right to marry the widow with or without her consent. On the wedding-day she receives from him the present of an ox, or its equivalent, four goats.

[1] The father of Ali Pasha, of Ioannina, was the son of a slave.

CHAPTER IX

THE CHIEFS OF SHALA PROBATE A WILL—WE VISIT THE HOUSE OF LULASH—A JOURNEY TO UPPER THETHIS.

000 I MAY say that such agitators will have a very bad time of it, as doubtless all agitators deserve to have, since all agitators always have 428 794 had it. There was a conference that afternoon in the padre's bedroom, and this time it was the padre who wanted the principle of private property established. A man had died and left a piece of land to the Church, and the padre[1] wanted the land to build the school on. Four chiefs of Shala sat beside the desk, on a bench brought in for the purpose, and Padre Marjan, gaunt and earnest in his Franciscan robe, talked the case out before Perolli.[2] (Perolli was no longer a hunted man who might be turned over to the Serbs; he was now an honored guest, emissary from an allied tribe, whose words were heard with respect.)

Padre Marjan had written down the testator's dying words in a notebook. He read them, those little mysterious marks on paper. They said that the man had made much land—every foot of earth is made by incredible labor of uprooting bowlders and building stone walls to catch

1 [Padre Marjan of Thethis [156] -- Analyst]
2 [Secretary of Albanian Ministry of Interior. -- Analyst]

6: Lane T-3 (no date) 1923 EGl Albania EGl

washed-down soil—and he felt that he was leaving enough land to the tribe to stand as his contribution, without this one small piece. That piece he wished the tribe to give to the Church. 428 794

There was also a statement from the man's wife, saying that her husband had long wished the Church to have that piece of land, and that she and her children wished it also.

"Those words are written words," said Perolli, gravely, the eyes of all upon him. "Therefore they are holy words; they are as the words of the saints."

"That is doubtless so," said one of the chiefs. "But this man was not a saint, and, besides, how can he give away land? Land belongs to the tribe of Shala." [423]

"It is not as though I wished to take the land from Shala," said Padre Marjan. "I do not want it for myself. I wish to build a school upon it, and the school will be for all the children of Shala. It will be for the good of the tribe, that their children can learn to read and write."

"Glory to your lips," said another chief. "But since it is for the children of Shala, let it be built on the land of Shala. Build our school upon it, and all our tribe will bless you."

"But this man left the land to the Church, for the welfare of his soul. It is written here upon this paper that the land belongs to the Church. It is the Church that will build the school in Thethis; I myself am already teaching your children, and even when the new teacher comes from

PEAKS OF SHALA

428 794 Tirana the school will be under my care. I am the servant of the Church in Thethis, and this land must belong to the Church."

"We will think about it," said the chiefs.

"Shall it be said," demanded the padre, "that the Americans have come from far across strange seas to bring money to build a school for the children of Thethis, and that the people of Thethis will not give even one small piece of land?"

"But," said I to Frances, "why do you want to take land from the tribe and give it to the Church?"

"The Church is the only light they have up here; the only center of inspiration and learning," said Frances. "See how the people come to the padre's kitchen; see what he means to them. I'm not a Catholic, but can't you see that if the school is to be a community center the Church must have it? They don't know how to make it what we want it to be, themselves."

"Very well," said the chiefs. "You may have the land, Padre Marjan."

291 My opangi had arrived. The edges of the leather had been turned upward and joined across the toes by an intricately woven network of rawhide thongs. Another network made a heel piece, and there were thongs to go around the ankles. With the opangi came a pair of short, knitted purple socks reaching just to the ankle, where they ended in points bound with black braid and stiff with gold and silver

1 [Albanian handmade shoes] [158] Analysis

[Constitution]

642 All activities of the administrative organs of the state and courts must be based on law.

TITLE II

Social and Economic Measures

ARTICLE 5

471 In the People's Republic of Albania the means of production comprises all the wealth of the people owned by the state, the cooperative organizations of the people, and private individuals whether real or legal entities.

The wealth of the people includes mines and all other sub-surface resources, as well as waterways, natural wealth, forests, pasture land, airways, postal service, telegraph, telephone, radio stations, and banks.

[439] Foreign trade is under the control of the state.

ARTICLE 6

185 In order to protect the vital interests of the people and to improve the standard of living and in order to exploit all the economical forces the state undertakes to direct the economic life and development by an overall planned economy. The state, by controlling its economy and the cooperatives, exercises a general control over private economy as well.

[575] The state, in order to carry out the general economic plan, relies on the trade unions of the working men and civil servants, the cooperatives of the peasants, and other organizations of the laboring masses.

ARTICLE 7

471 The state regulates and directs by law the use of the collective wealth of the people. The collective wealth of the people is especially favored by the state.

ARTICLE 8

474 The state is especially interested in the cooperative movement of the people which it favors and assists.

ARTICLE 9

421 Private property and private initiative are guaranteed
[428] by the state. Private inheritance is guaranteed. Nobody may use private property to the detriment of the public.

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

were publicly mocked as 'low-class fellows'. Sometimes they had no choice, being so disobedient and unruly that their father compelled them to leave his house. Or they got on so badly with each other that he feared there would be murder done.

Three factors militated against separation. There was the sense of family which was so strong that four or five generations, numbering twenty souls or more, might live under one roof. Secondly, it was economically to the advantage of each man that the household should remain together. In a large household all branches of the pastoral and agricultural life were possible, but in a small one activities must be restricted; one and the same person could not tend cows and oxen, ewes and lambs. With good reason the proverb says 'Separation ruins a family'. In the bad old days too, it was strategically good for brothers to stick together; the more guns in a house the stronger it was.

When separation had been decided on, the family possessions were divided equally without any regard for primogeniture. Everything that could be eaten or drunk—dairy produce, grain, haricot beans, eggs, honey, raki—was considered food and divided equally among the mouths to be fed, and everything else—land, livestock, farm implements, house, household utensils—was considered property and divided equally between the brothers.

The law of food, as expanded, laid down that every living soul in the house on the day of separation, male and female, sick and well, greybeard and infant drawing its first breath, should receive the same share of food. Supposing one of the two brothers had besides his wife ten children, and the other two, the first received twelve portions of food and the second four. Then the age clause was variously interpreted. In Dibër even a child still in the womb was allotted a full portion, but elsewhere one born so little as an hour after the conclusion of the separation received nothing and the prospective father naturally tried to protect himself against this loss by delaying the separation, if possible, until the child had been born. In Lumë and Mirditë a child less than a year old was not given food, the idea being that its mother's milk would suffice for it throughout the coming year—partly to avoid conception Albanian children were everywhere suckled until they were three years of age. In other areas a new-born child received its quota on the assumption that before a year was out it would 'eat a little, spill a little and let the cat eat a little'. Separation generally, though not

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

invariably, took place immediately after harvest when bins were full and a year must pass before the fields again yielded a crop. 592 428

Although food supply was divided in most areas into equal portions irrespective of total quantity, in the Malësi e Madhe each person received three loads of maize, which was considered to be enough food for a year. Any surplus was sold and the proceeds divided among the brothers. In other areas a surplus rarely existed, so the specification of quantity had never been made.

For the purposes of separation the term 'grain' included not only maize and wheat but also everything that grew in a field or garden, such as fruit and vegetables. Exceptionally, in Godolesh both olives and butter were regarded as property and divided equally, not among the number of souls, but among the brothers. In Perlat raki and wine were divided equally among all who drank; some of the men did not drink and some of the women did. Sometimes a woman tried to secure a double share of drink for her husband by alleging falsely that she herself drank. The attempt was usually frustrated by the other women, who, not wishing to see their husbands go shorter than they should, exposed her fraud. In rare instances where drinking water was divided, it was treated like food.

Property, said the law, was to be divided equally among the brothers. This applied only to property inherited by the father; the number of children belonging to each brother was not considered. One of two might have seven children and the other three, but each received exactly half the property. The only exception recorded is in Martanesh, where a brother with many mouths to feed might be given a little extra food on condition of accepting a little less land. It followed that the brother with the large family was much worse off initially, though eventually, as his children grew old enough to work, he might catch up the other because he would have more hands at work. No doubt it was this balance of initial poverty against subsequent wealth that led the old law-givers to enact this law of equal division of property among brothers. It was also immaterial that one of the brothers had a grown son; the son counted in the division of food but not in that of property.

A dead brother was ignored when the food was divided, but if he had left a son, his rights to an equal share of the property remained intact. It descended to his son, who, irrespective of his age, ranked on separation day as his father's representative and the

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

428 592 equal of each of his father's brothers. Supposing the dead man had been one of four brothers, the three survivors and his orphan son each received one-quarter of the property. If he had left two sons, these became joint owners of his quarter share. Even if all the brothers in a communal household died before it split up, the principle of division was the same. Suppose they were three, and the eldest had ten male descendants, the second five and the third one, the property was divided into three equal parts, one for each of them, regardless of the disparity in the number of their descendants.

Division of food was relatively simple, a matter of arithmetic—so many souls, so many portions. The process of division of property was much more complicated, a thing of exact measurements and difficult calculations. As a first step the land was measured with a rope and divided into as many equal parts as there were brothers. Occasionally it was measured by pacing, the man who paced clasping his hands behind his back to steady himself and so to keep his paces equal.

When the quality of the land was uniform there was no difficulty about the actual partition by these methods. But it might happen that one field or one part of a field was better than another. Good and bad must nevertheless be shared alike by the brothers. To make this possible, what may be called the system of 'offset or compensation' came into play. Most commonly a smaller field or a smaller portion of the same field was given to the brother who got the better land, and a larger field or larger portion of the same field to the one who got the worse. The basis of calculation was the average yield of the land, this being common knowledge in the district. Size was thus offset against quality. Less often the portions were valued and the brother who got the better one paid compensation to the other; the latter was theoretically supposed to spend the money on buying himself a piece of land somewhere else.

423 426 The term 'land' included arable land, vineyards, vegetable gardens, orchards, hay meadows and enclosed lowland pastures, all of which must be divided up when the brothers separated. It did not include mountain pastures or woods and forest for firewood, fodder and timber. These remained undivided, common property for the common use of the brothers. It was rare, however, to find a joint household owning mountain pastures and forests, for these were generally held in common by a whole ward or even a whole

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

village. In Çermenikë all the brothers were allowed to graze their sheep after harvest on a divided arable field as they did when it was whole and they were together; it was immaterial that one had a bigger flock than the other. At least it was immaterial in theory, but in practice they sometimes quarrelled over the grazing. Then each must set a shepherd on his own boundary to watch over his interests. Presumably the impossibility of providing shepherds enough to guard the wide boundaries of forests and mountain pastures has prevented these pieces of property from being divided up.

Two curiosities of land division are to be noted: if an arable field was very narrow, it must be divided short-ways, for if divided long-ways, the plough-oxen might not have room to turn when ploughing; sometimes, too, three brothers who were separating amicably might wish to have each of their father's fields divided in three rather than each receive one field apiece. A day might come when one of them might wish to sell his land, then there would be more inducement to keep it in the family if it immediately adjoined another brother's holding. They also wished, they said, to perpetuate the memory of their joint ownership of all the fields, and when one field was some way from another and in different hands, it was less easy to realize that once the same family had owned them all. If possible they would like to keep up their brotherly ties for a hundred years or more.

The division of the joint home was generally much more complicated. Supposing there were two brothers in a house consisting of only a sitting-room and a kitchen. By the partition method one was given the sitting-room and the other the kitchen. Since the sitting-room was manifestly superior it was valued together with the kitchen. The values were added, then divided into two, and the difference between half the total and the value of the kitchen was paid to the less lucky brother. The payment made, it was held that the old home had been equally divided between the brothers. Sometimes instead of money the offset system was used, a better portion of land being given to the brother who had received the worse part of the house. For this purpose the land as well as the house was valued, and if the former's total value was 26 napoleons, 14 napoleons' worth would go to the brother with the kitchen worth 6 and 12 napoleons' worth to the brother with the sitting-room worth 8, so giving each 20 napoleons' worth of property.

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

Alternatively, both sitting-room and kitchen were measured with a rope and divided into two. A partition wall of lath and plaster or, more probably, of lath and mud was then run up in both. This left half of each with the old door and, where it existed, the old staircase, while the other two halves had neither door nor staircase; a new door and, if required, a new staircase, were built for these, generally on the opposite side of the house. Each brother then took possession of his new home, a small poor place but his own with its own egress to the outside world.

In the Mohammedan villages near Elbasan there were regulations about windows which aimed, like the building laws, at protecting women from prying eyes. In Godolesh the brother getting the upper room in a two-storeyed house was told to blind the windows overlooking the yard if his brother's kitchen, as was probable, opened on to this; otherwise his brother's womenfolk would not have full freedom to move about the yard. The brother getting the middle storey in a three-storeyed house was given similar instructions, but the brother with the topmost floor might leave all his windows open as they were too high to overlook the yard. In Labinot all windows overlooking another's property must, irrespective of their height, be blinded. Such regulations were not enforced in Christian villages.

When the old house had two rooms as well as a kitchen the division was less complicated. To begin with, one room was assigned to each brother. If one was bigger than the other they were both valued and due compensation paid to the brother with the smaller one. As for the kitchen, either it was divided in two or it was given to one brother and its estimated value paid to the other so that he could build a new kitchen for himself on his own land.

Continuing to live under the same roof imposed certain mutual obligations on the brothers. If the flimsy partition wall or the roof needed repairs, both must share the expense in equal proportions. If one could not or would not pay his quota the other was entitled to repair only his own section of the roof, leaving his brother's to the ravages of the weather; or he might try to extract the money from his brother by force; until lately, he might even shoot him in truculent Lumë. As for the partition wall, he probably repaired it at his own expense for the sake of his personal privacy.

To avoid such quarrels and to secure more houseroom the buying out method of dividing the old home was preferred. The

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

building itself was allotted to one of the brothers, almost everywhere the youngest, who became its sole owner and master. But he must pay each of his brothers a proportionate share of its value, half if he had only one brother, a third if he had two and so on. Sometimes two brothers who had decided to divide the old house with a partition wall, according to the first method of division, quarrelled irreconcilably about the position of this wall. Then they might switch over to the second method, one buying out the other. If they could not afford to do this, one might legally pull down his own section of the house, take away the timber and stones, and build himself a new house on his own land.

Sometimes four brothers separated two by two, one pair remaining in the old home and the other going out. In that case the former paid between them half the assessed value of the house to the outgoing pair. Sometimes the four separated one by one, two remaining in the old home as before and two going out. In this case the old home was divided by a partition into two portions, one for each of the two brothers remaining in it and one-quarter of its value was taken from each of them and given to each outgoing brother.

In Dibër and Perlat, possibly elsewhere, the outgoing brothers received an extra portion of land as a site for the house they must build. In Perlat a distinction was made between irrigable and non-irrigable land. The extra portion given in the case of the latter, which was nearly worthless, might amount to as much as 120 *pashë*.

Almost everywhere the old home was valued as it stood, but a system not recorded elsewhere prevailed in Perlat. This took no account of the timber, stones and mud (for mortar) which went to the building of the house because these cost nothing but labour, and the labour had been provided as a joint enterprise by the family when still united. (But the brothers, remembering what the mason who built the house had been paid, divided that sum equally between themselves; it was generally no more than 6 or 7 napoleons.) As usual, the brother allotted the house paid cash to his outgoing brothers. The drawback to this system was that it did not provide for fluctuations in the value of money.

The old house was generally given to the youngest because he was thought too young to be able to build one for himself. 'The man who has not built himself a house or celebrated his daughter's wedding does not know what trouble is', runs the proverb. The

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

428 884 older brothers had had time to acquire friends and could make their own way in the world, but the baby of the family knew nothing about anything except his father's house.

423 After the land and the house had been divided, the boundaries between the holdings were demarcated. The house, it should be said, included land round it and also any cattle or sheepfolds. 312 When the land was under water, irrigation channels were marked 428 out at the same time as the boundaries. Where the father had possessed one field with an irrigation channel running down its whole length, his sons tapped this channel without difficulty, each digging a small transverse channel from it on his own portion of the field. Where the stream was farther off the brothers jointly dug a channel to the point where their land met, after which each made a separate channel through his own ground; by preference each took this down his own side of the little path between his field and his brother's. When the water came from above a field so narrow that it must be divided short-ways, the brother getting the lower half was entitled to dig an irrigation channel down the side of his brother's land. But the area it occupied must be measured and an equivalent amount of land subtracted from his holding and added to his brother's. It was, of course, always stream irrigation that was in question.

The period for which each brother might irrigate was also settled when they separated. This was usually a matter of simple arithmetic. If, for example, the father had had the right to irrigate for two days, each of the two brothers was given the right for one day and each of three brothers for sixteen hours. In Mirditë, where few streams could be utilized, irrigation water was divided by the oke; unfortunately there is no information available as to how this was done.

Drinking water was seldom regulated; 'God has given it' and almost everywhere in excess. There was so little in some villages near Shkodër, however, that it was divided by the jugful, at least during the dry season. When brothers separated in these villages their portion of drinking water was decided. Division was as with food, by heads, so many jugfuls per person.

428 Milling rights varied from district to district. Where they were by hours or days each brother's quota was settled on the day of separation. It was again arithmetical, each of two brothers getting half the father's period and each of three getting one-third.

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

Generally one took over the others' periods and compensated them with an agreed quantity of maize per year. 428

In dividing the livestock the system of 'offset or compensation' was much used; four horses could not otherwise be divided equally between five brothers. By this system four of these brothers each took a horse and together subscribed the value of one for the fifth. Or this brother might be given another animal, such as a cow, plus the difference in money between its value and that of a horse. If there were five horses to be divided among four brothers, one received two horses and each of the others one horse and another animal or animals of the same value as a horse, plus any money compensation that might be necessary. In Çermenikë a house-dog was equated to a sheep and rules enunciated for its future service. If the old home was partitioned between the brothers, it must continue to guard this for their joint benefit. If they set up separate houses, it went with the one to whom it had been allotted and guarded only his house; the other must buy a dog for himself. As for the brandings or other marks on animals, the father's sign was assigned to one brother and new ones devised by the others. There were some exceptions to these rules. In Dibër livestock was divided equally among all the boys and men old enough to herd; this is said to be Skanderbeg's law. In Mirditë it was divided equally among the guns in the house. In Çermenikë if a brother had a very small family the sheep might be divided equally among the souls in the old home on the plea that a man with few hands could not tend many sheep. Everywhere sheep-folds and cattle-folds were divided, like the old home, equally among the brothers. Fodder, including wheat and maize straw, hay and leaves of trees, was divided on the same principles as the livestock, equally in Mirditë among the guns, in Dibër among the herds, and elsewhere among the brothers.

As for poultry, custom varied. In Lumë they were considered property, not food, and so divided equally among the brothers. In Çermenikë they were regarded, somewhat uncertainly, as food, and so divided according to the number of souls. In Mirditë the mistress of the joint household divided the poultry as directed by the person arranging the separation.

Farm implements included plough, sickles, saws, hatchets, hoes, etc. If possible one article of each kind was given to each brother. Otherwise an article was given to one and something else of equal

10:Hasluck F-5 (1926-1939)1954 EG1 Albania EG1

428 value or money compensation to the other. In the cases, frequent enough, where each had had his own implements before the separation, he took these with him to his new home.

Beehives too were divided on the offset or compensation system; they were seldom enough to go round the brothers. Honey was divided on a food basis, equally among old and young.

Household utensils such as spoons, milk cogs, churns, wash-tubs, pots, saucepans and all wooden and earthenware vessels were also divided equally among the brothers. After being taken out of the house they were stacked in piles, one for each brother under the direction of whoever divided the property. It was almost never possible to find an article of the same type for each brother. So an article was laid on one pile and the offset on the others. Less often, an article of which there was only one was valued and a proportionate share of its value paid by its new owner to his brothers.

[352] There was never any furniture in the sense of tables, chairs and bedsteads to divide. At most, there were reed mats and straw-stuffed cushions in the sitting-room and some wooden stools in the kitchen. The stools might be divided equally among the brothers; the other things were generally treated as part of the house and left where they were.

Certain articles in the house were not subject to division. These included the portable oven, flour-bin, tongs, shovel and kitchen-

[574] crook, which were the symbols of family life; and the mill, caddy, pot and cups forming the coffee outfit, which was the symbol of guest-friendship. The former remained in the kitchen and the latter in the sitting-room, irrespective of whether these rooms had

[777] been separated or left to one brother. Above all, it was unlucky to move the kitchen-crook; it was almost as sacred as the fire on the hearth on whose continuance depended the continuance of the family. Very occasionally, however, it was allotted like the rest of

[423] the property. Other articles were considered individual property and excluded from division on that account. These included the jack-knife, gun and revolver carried by each man (at least in the not-so-distant past), the trousseaux brought by the married women or being made by the girls, and the married women's pocket-money, wedding presents, possessions and livestock, or money lent at interest. All these continued to be the sole property of their owners. Bedding too was individual property, each brother's having been brought by his wife as part of her trousseau. If the

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father was dead his bedding was divided in Mirditë equally among the brothers; presumably it was so elsewhere. There was divergence about his arms. In Mat and Mirditë, for instance, these were given to the oldest brother but in neighbouring Perlat and Dibër to the youngest. In Perlat the mother's jewellery also fell to the youngest.

With both the land and the house, it was only the father's property which was divided according to the number of brothers. Any land bought after his death was divided according to the number of adult men. All of these, it was considered, had shepherded the family flocks or worked in the family fields, so helping to amass the purchase price of the new land. Under this rule, when one brother had two grown-up sons and one small son, and the other brother had only two small sons, the small son of the former and his little cousins received no land at all, but the two grown-up sons received each one-quarter of the land bought since their grandfather died. In Perlat a son taking a share of bought land must be at least 20 years of age; in Mirditë he need not be more than 15, the age at which he began to bear arms. In Mat, if he herded sheep, he need be only ten.

So with the house: this went to the youngest brother only if built or inherited by the father. If built by the brothers after his death, it was retained by the eldest, who turned his juniors out, paying each of them their proportionate share of its assessed value or, in Perlat, the mason's charges for building it.

A difference of mothers never affected the division of the 'father's property'. If the mother of the eldest of three brothers had died or been divorced, he took his third just the same. If the mother of the third brother were a concubine, he too took his third. The inheritance came from the father, irrespective of the mother. It was otherwise with a wife's or a mother's property. This went to her son, to the exclusion of her step-son. A man who built a house with his wife's money might give his brothers house-room until they separated, but they had no legal share in it; as husband of the heiress, he was its sole owner, and when they separated, did not pay them any part of its value. If his wife died or was divorced and he married again, the house descended to the first wife's son, to the exclusion of the second wife's. If the former son separated from his half-brother, he paid him nothing for the house; built with his mother's money, not his step-mother's, it was his exclusive property. Such cases were rare, occurring only when

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[591] a woman was the sole survivor of her family and so inherited its property.

It was on the principle of father's property—or very much more rarely mother's—that big households containing several sets of cousins split up. They went back to their common ancestor, ascertained what property he had had, and divided that equally among his sons. The descendants of each son then took their portion and no more, regardless of their number. Supposing a man had had three sons who in their turn had respectively five, three and two sons. When these cousins separated the five sons of the eldest brother received only one-third of their grandfather's property, no more and no less than the amount received by the three sons of the second and the two sons of the third brother.

The question of the father's property came up again when a man died childless after separating from his brothers. For instance, if four brothers all separated they divided the dead man's property equally as having been originally their father's. If three were living together apart from the fourth who had died childless, they took his property back into the common fund, and when they separated divided it equally with their other possessions. If one of the three who lived together died childless, the two surviving took his property back into the common fund and when they separated divided it equally between themselves, but they did not give any to the fourth brother because he had separated from them before the death. Matters were usually complicated in Përlat and Mirditë when four brothers had separated into two pairs. If one died childless, any property which they had bought together was retained by the survivor of his pair, but what he had inherited went back into the stock of father's property and was divided into three portions, one for his survivor and two for the other pair. A rather better portion of land was given to his survivor in Perlat but apparently not in Mirditë.

[592] Money a man had earned away from home—as government official, gendarme, shopkeeper or servant—had to be sent home up to the date of separation. Then it was counted family earnings and put into the common purse on the plea that although he was away working his brothers were toiling at home. If he kept any back for some months before the expected separation, it was accounted stealing, and if he was only suspected of doing so, he might be put to the oath to clear himself. If livestock was bought with his money

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that must be divided equally among all the brothers. If a house was built with it, that again must be divided equally. The law laid down 'What is in the house on Separation day is part of it'.

On the same principle, any debts due by the family such as government taxes or arrears of taxes were divided equally among the brothers.[1] Each had to discharge his share independently, the others accepting and being given no responsibility for it. Any payments due to the family, such as repayment of money borrowed, were similarly divided between the brothers. Bride-price was in a class by itself, being paid to the bride's father, both while he still lived with his brothers and afterwards as well.

In a very few areas special charges on the family property were recognized. If, for instance, the youngest brother in Çermenikë did not yet have a gun, it was thought fair to give him money out of the common purse with which to buy one. In Perlat before the livestock was divided, two oxen and a few sheep were set aside for the wedding feast of an unmarried brother. In Mirditë the estimated cost of his wedding was paid to him, generally in kind, as in Perlat. Elsewhere, so far as is known, no such allowances were made.

Food and property of every description having been divided as described, accounts were balanced. Each brother paid up what money he had to pay and each received what money he had to receive. This concluded the division in most cases. It will be observed that no provision beyond 500 grosh was made for the daughters of the family. This was probably thought unnecessary by the old law-givers because a woman who had not reached extreme old age or been otherwise disabled was no burden to anybody. Her work, herding, spinning or even hoeing in the fields, was worth more to both brother and husband than the cost of her keep. An unmarried girl stayed with any of her brothers after their separation. She stood in the same relation to them all, it was thought, and was no nearer to the one than to the other. The modern civil code enacts, however, that a real and not a token provision shall be made for each daughter.

It sometimes happened that the father was alive when the brothers separated. If so, his welfare was provided for by the law. If the separation took place with his blessing he went to live with the son he liked and got on with best. This was almost invariably the youngest, who was thought nearer to him than the others, and

[1] [at the time of separation--Analyst]

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737 if the youngest died, he went to the next youngest. Only one per cent of fathers chose to live with another son, and then a woman was generally to blame. If the youngest was unmarried or had a disagreeable wife who did not give much promise of looking after a troublesome old father-in-law, he went to a son with a kinder wife.

Since it was understood that he would live with his youngest son and that this son would have his house, he continued to live in his old familiar quarters. One room was allotted for his special use, but it frequently served as the general sitting-room as well because he only required one corner to sit in by day and to sleep in at night. For his support he might either keep one-eighth of his land in his own hands or arrange to be fed by his sons, either jointly or in turn. In the former case the son he lived with worked his bit of land, fed him with its produce, and eventually buried him. In consideration of the latter expense this son was allowed to keep his land and his room, though it meant getting a larger portion than his brothers. Sometimes the others contributed a little towards the old man's keep and the expenses of his funeral. In that case they had a claim at his death to an equal share of his fraction of land and his room, payable in money.

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When all his sons contracted to feed him in turn, he probably continued to live with the son with whom he was happiest, and month by month asked each of the others in turn for money with which to buy food. If they contracted to feed him jointly, each sent him an agreed quantity of food and clothing per year. In Mirditë this was fixed at 6 loads of maize, 3 pairs of sandals, 25 okes of salt and 2 bushels of haricot beans. Under this arrangement there was no eighth of land to be divided on his death. His room was kept by the son with whom he had lived, but this son must pay a proportionate share of its value to his brothers.

428 737 On Separation day after a room and an eighth of land had been set aside for the father, the division of his property, both inherited and bought, proceeded as if he no longer existed, but he retained any title-deeds to all his former land which he might hold. His eighth was never enough to feed him, and the youngest son might become too impoverished to make up the deficiency, in which case his only resource was to pay lengthy visits to his other sons. With the title-deeds in his hands he was sure of his welcome; without them he might not be. So, too, if his sons had contracted to feed

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him, possession of the title-deeds made it more certain that they would fulfil the contract. On his death the deeds passed to his sons. 428 737

These were the general rules for his maintenance, but there were a few variants. In Çermenikë a man who had managed to buy a large amount of land during his working years had the right to keep this back when his sons separated and to leave it all to the son with whom he lived, to the exclusion of the others. More often than not, he allowed it to be divided up with the land he inherited. Sometimes he was still able to earn a little. In Lumë his sons treated his earnings as family property, taking the cost of his funeral out of them and dividing up the rest. In Çermenikë the son he lived with paid the whole cost of his funeral and kept all his earnings. In Mat, a relatively fertile district, a yoke of land was set aside for him. On his death his richest son paid for his funeral and took his piece of land in exchange. In Perlat an ox was set aside on Separation day for the public meal at his funeral; it was kept and worked till required by the son with whom he lived; its work was supposed to compensate this son for the other expenses of the funeral. In all areas the father's portion of land was often given by richer families to the poor or, among the Catholics, to the church.

A father had in the last resort the right to banish a son from his house, or a son might insist on hiving off against his father's wish. In either case he need not give him a portion, but when he died the son would take his proportionate share of the food and property, exactly as if he had never been expelled. A son who separated from his father in these conditions must restrict himself to any land his father might have given him and must refrain from interfering with the rest of the land or other property. The consequences of a premature division of property may be seen in the following story from Perlat. Two men made such scenes about their father's remarriage that he bade them leave his house. Of a just, or simple, disposition, he divided his property into three, keeping one-third for himself and giving one apiece to his sons. Afterwards he had two more sons by his second wife, then found he could not leave them more than his own portion of property, for land once divided cannot be taken back, says the law. So each of the two sons he loved best received only one-sixth, and each of the two sons he had come to dislike one-third, of his original property. An interesting variation of the above law is found in Kurbin. If a father gave a rebellious son a portion, he gave it only out of the land and

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livestock which he had bought since the son's birth; it was half or a third or a quarter according to the number of his sons. He kept the rest of his property, and this passed on his death to the son or sons with whom he continued to live, the expelled son getting nothing. If, however, he had built his house since this son's birth, it fell on his death to the son he lived with, but this son must pay the expelled son the usual proportionate share of its value.

When there was an old mother she, like the father, usually went to live with the son she loved best; in 99 cases out of 100 this was the youngest. The problem of her support was not so difficult as that of an old father. The relationship between the sons and their mother was so close that few quarrelled with her and refused her food and shelter. If 'wicked' enough to do so, the whole of their world cried shame and the old lady herself might react. A native of Shelcan in Shpat took his wife away and settled in Elbasan, leaving his mother in the village. She wished openly that he were dead. More important still, a mother had economic value and was seldom the useless encumbrance that most old fathers were. At her weakest she had strength enough to rock the cradle and to mind the house while her son's wife was out working in the fields. Besides, she had worked hard for the general benefit in her time, and that must not be forgotten. For all these reasons, in most places the son she lived with was content to feed and dress her. The others might or might not contribute. If they did, their contribution was generally voluntary and at their discretion. It normally took the form of small presents, such as a kerchief or a pair of sandals. It was not advisable to give such presents regularly, for that might make the son she lived with take them for granted. By exception, in Malësi e Madhe the law bade the other sons combine to send her three loads of maize every year as a contribution towards her keep. In Mat, if she stayed with one son, he must support her unaided; the others gave her no food or clothes. In this district, however, she might opt for staying a month with each son in turn, so making them share the expense of keeping her. In Godolesh, and in Shijan near Elbasan, she had the right, like the father, to take one-eighth of the general property. The son worked this land, fed her with its produce and eventually took it into his own holding in consideration of paying for her funeral. In practice she seldom exercised this right, preferring to run in and out of all her sons' houses in turn and getting a meal in any of them. She

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was expected to behave reasonably; in Mirditë if she were a trouble-maker her son might legally send her back to her brother, giving her three loads of grain for her support during the first year and nothing afterwards. On her death she might be buried by the son she lived with, as in Zerqan, or by all the sons in combination, as in Martanesh and the Malësi e Madhe. Here good feeling rather than the law dictated the usage.

Sometimes a minor—a small brother or the orphan of a dead brother—had to be arranged for. The essential was that he should receive his portion and not be left alone with his mother, as she might induce him to sell his land or might herself take a lover. If his grandfather were alive he remained with him. Otherwise he went to live with an older brother or an uncle. Exceptionally, in Shijan he lived by preference with his mother's brother, less probably with his father's brother, and still less probably with his own brother. His guardian worked his land or gave it to a third party to work for an agreed return and fed and clothed the minor with its produce until he came of age at fifteen. The guardian had also to feed and clothe his mother and any small brothers and sisters he might have. Sometimes a guardian brother remained in the father's house with the minor. He was its master, though not its owner, until the minor came of age. Then he must leave the house to the minor and himself move to new quarters.

Sometimes brothers who had separated joined up again. The 'remarriage' seldom lasted long; as the proverb puts it, 'a loaf once broken can't be put together again'. When they separated for the second time, their food and property were divided on the same principles as before. Due note was taken of any house they might have built or any land or livestock they might have bought during their temporary reunion; these were divided as usual, not according to the number of brothers, but according to the number of men. If one brother had died childless since the first separation, a completely new division of the property was necessary.

The division of food and property might be effected by elders, by the eldest brother, by a neighbour, or by a more distant relative, or by the father if alive. The factors governing the choice of one or other were, as usual, based on common sense. The division of property, as distinct from food, was often so complicated that only experienced men like elders could grapple with it. A father tended to favour his best loved son or daughter-in-law and was often ruled

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out for that reason. If the brothers were not on good terms, division by the eldest caused quarrelling, the others accusing him of robbing them and he retaliating in the usual manner. If they were on exceptionally bad terms, even distant relatives feared the unpleasantness that was bound to follow their best attempts at a fair division. For all these reasons the choice generally fell on elders. Their drawback was their need of a fee, but it was generally thought better to spend money on a fee than to quarrel with a brother. These principles were at the back of the various practices in different places. When the choice was between neighbours and relatives by marriage the latter were preferred because they were always more trusted. Each brother put in his own man.

In Perlat the father was never allowed to divide his property, elders or relatives on the male side must do so, and when they were at work, neither the father nor the sons might put in their word. In Martanesh the same fear of favouritism prevailed, and elders or the neighbours in bulk carried out the division. In south Dibër the local notables did so, their influence being thought to counteract any tendency to break the peace over the division. In Godolesh separation had always been on an official basis; it was arranged by the headman of the whole village and his two assistants, as it had been in Turkish times by the headman assisted by an elder from each of the six quarters of the village; it is to be noted that no fee was taken by these elders because separations had always been part of their official duties. In Shijan the separation might be entrusted to the husband's or wife's relatives since they were interested in preserving peace in the family, yet had no personal interest in the division. In any area, when brothers were on really bad terms, complete strangers from another village might be called in to arrange the separation.

When the brothers decided to engage elders, they engaged one between them if they were on good terms; if not, each put in his own man. In Mirditë they might engage two, four or more elders according to the amount of work to be done.

Portions were allocated to the brothers by their own choice or, more often, by lot. In the very few cases where the brothers were completely friendly, the eldest said to the youngest 'Which field will you have, this or that?' Then he took for himself what was left. If the second coveted the field chosen by the youngest, they drew

1 [i.e., to divide the food and property of a household at the time of separation--Analyst]

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lots for it or asked elders to divide it. When the brothers were a degree less friendly but the eldest nevertheless divided the property, the youngest was given first choice of the portions, the next youngest the second choice and the eldest what was left. The law ran: 'the eldest divides, the youngest chooses.' It is obvious that the risk of getting an inferior portion made the eldest divide carefully. In Mirditë by exception it was the middle brother who had first choice.

Lots varied: in Lumë they were drawn in the modern method with pieces of paper; one without holes, another with one hole, the third with two holes, and so on; and by the old-fashioned with a stone, a twig and a clod of earth. In the Malësi e Madhe grains of maize, coins and weeds as well as paper were used. Shijan preferred straw and grass, and Godolesh grains of maize and haricot beans. Maize was satisfactory when there were two brothers, as one variety has white grains and the other yellow, but when there were three brothers, haricot beans, which may be white, black or mottled, were preferred. Somewhat curiously, though stones and sticks were both plentiful, they were seldom used. In Shijan, for example, the lots were drawn with elaborate care. One of the relatives present at the division was sent some distance away and told to keep his eyes closed. Each brother selected his token and handed it to another relative. The first was recalled, given the tokens, and told to place each where he chose. Each brother was expected to accept the luck which his token had brought him, but if one objected, lots were drawn a second or even a third time, fresh tokens being chosen and a different relative asked to drop them each time. The brother who got the disputed land or other property two out of three times became its owner for good. The various positions of land and livestock, the piles of farm implements and household utensils and the rooms in the house (if this was partitioned) were drawn for in the same way. In Martanesh the procedure was shorter but there was again, for greater fairness, a man between the brothers and the person who made the decisive throw. Each brother gave his token to one of the bystanders, who carried it to the elder dividing the property. In ignorance of which token belonged to whom the elder cast them on the various portions. In Zerqan there was again an intermediary. Each brother had a secret, unpaid representative who gave a stone to a third person approved by all the brothers but ignorant of who represented each.

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This third person threw the token stones on this portion or that. In Godolesh there was no intermediary. Each brother gave his token to an elder in whom they all had confidence. As they were selecting their tokens, he arranged tokens of his own on the ground, naming each aloud for the various portions of the land or house. He carefully refrained from looking at the brothers' tokens and threw them blindly one after another on his own. 'Here is the sitting-room, good luck to it. Here is the kitchen, good luck to it', he said of the house. Each brother then claimed his token and accepted his portion. With a similar phrase of good omen the elder divided the land. In Lumë there might or might not be an intermediary. The elder taking delivery of the tokens might place them himself or, if afraid he would be suspected of dishonesty, he might give them to another man to do so. Well-omened phrases were used, such as 'The luck of this stone lies there and of this twig here'. In the Malësi e Madhe the elder said which portion the bits of stick each represented, then drew them, as would be done in England. Here the procedure seems influenced by the European education of the priests.

The commonest fee for an elder dividing property between brothers was two or three napoleons, but it might be as low as one or as high as ten. Everything depended on how much the brothers quarrelled over the division, and how hard they struggled against yielding one to the other. In Perlat the elder made a distinction between rich and poor, asking a sheep from a rich family but only a kilo of coffee from a poor one. In Mirditë he had the right to a sheep and a money fee as well; the latter was as agreed. In Lumë 'it does not do to have an elder without a sheep'. Wherever, as in Godolesh, officials arranged the separation, no fees were charged.

Everywhere one meal at least of meat and rice pilaff must be given to whoever came from outside the family to separate the brothers. If these had no flocks, they must buy meat from someone who had. The expense of these meals, which was heavy for people so poor, was shared by all the brothers, the animals being taken out of the common stock before it was divided and the money for the rice, coffee and, if necessary, meat out of the common purse before the settling up of accounts. These meals were the first charge on the family property.

All stages of the division were watched by neighbours. Before the persons negotiating the separation sat down to the final meal,

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they reminded these onlookers how everything had been divided. Then if disputes arose later between the brothers these could bear witness to the division. No documents were drawn up, the oral testimony of the witnesses in general, and in particular the mute testimony of the boundary stones, was enough for the unwritten law. Where a dead father had held title-deeds, these were distributed appropriately among the brothers, but such cases were few.

Too often, the division was followed there and then by disputes. Most frequently they were about the land and due to greed, for each brother knew that on the portion allotted to him on that day he and perhaps unborn generations of his descendants must live, and he naturally tried to make it as large as possible. Sometimes a brother was rightly disgruntled. Dividers were human enough to make mistakes; an eldest brother sometimes tried to cheat when dividing; at times even an elder showed favouritism. In such cases the division was revised, an elder dividing instead of the eldest brother or a second elder instead of the first, on the usual 'elder after elder' basis. Or instead of having one elder between them the brothers might each put in one for himself; in this case they must all stand aside and leave the elders to fight things out.

Not infrequently one brother was simply cantankerous. Then the easiest way for the elders to make him see reason was to exercise their right to have all their meals at the family's expense until their work was done. They might go away, leaving the division incomplete and refusing to return until he bent his stubborn neck and in person fetched them back with promises to be good. This meant an extra meal, an expense that even the trouble-maker deplored in his heart, if not openly. As it was, surely unfairly, shared by the reasonable brothers these were from the first careful to do nothing to excite the other further. There was no difficulty about extracting this meal, as the commonest source of trouble, the land, was always divided before the livestock.

A story of Turkish times from Godolesh shows the elders taking cruder but no less effective steps to settle matters. A family at the top of the village refused to accept the division they proposed. 'Where is your best ram?' asked the elders the first day, and ate the animal. 'Where is the pot of *bekmès* (boiled grape juice)?' they asked the second day, and emptied this. 'Where is the butter jar?' they asked the third day, and devoured that. The brothers then came to their senses and allowed the suggested division to proceed.

1 [concerning the division of land at the time of separation of brothers--Analyst]

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his household and his visitors. Bridal parties or funeral processions which tried to pass along his path to evade the difficulties of the highway were not so likely as habitual travellers to attempt to create a precedent, but he had the right to turn them back. If they tried to force their way past him he had the right to shoot them. Many a corpse, to quote Father Gjeçov, has found comrades in death before being buried, and many a bride has mourned the loss of a kinsman in her escort on the way to her bridegroom.

If, however, at a time when the highway was impassable, occasional travellers asked a man's leave to use his path he often granted their request. But he always made it clear that the right of passage was temporary and stipulated that his honour was not to be smirched or his property damaged. In Shkrel a man whose field adjoined a road liable to bogging in winter often left enough land in the field for a new road. This he did as alms. Any timber on either side of the new road remained his private property, and could not be cut down by anyone else though he was free to cut it as and when he pleased. He could also close the road at his pleasure; even if the public had used it for years, usage did not create a right and rob a man of his land. Sometimes a village, to suit its convenience rather than to meet its need, asked a man to allow the public to go through his land. He usually agreed, but always stipulated that if any damage was done or he needed to work the land, he should be entitled to close the right-of-way, informing his fellow-villagers that they must not come that way any more. If this became necessary, he was not required to provide an alternative, as a man who moved a public road must do. He had opened the road as a favour, and what was given as a favour could not be retained by force. The option of closing the road descended to his heirs.

The private ownership of a road is seen at its most interesting in the case of a blind alley. This was seldom wide enough to take two persons abreast and had an entrance but no exit. The commonest type led across a man's field from a public thoroughfare to his house, where it came to a dead end. In this case it was his sole property, and if he liked he could plough it up without consulting anybody. Another type served several houses, and was held jointly and equally by these. The common ownership had its drawbacks. Two out of three owners, for instance, might wish to plough up the section passing through their fields. Though this

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Kuturman until his family died out and the plate disappeared. The summer grazing which belonged to the village of Bërshenj near Fulqet was three days away on Mt Dragû. The Highlanders, living at the mouth of the river Mat, had their summer pasturages on Mt Vermosh five days away from their winter homes.

A clear distinction was drawn between the laws governing private and public pasturages. In broad outline what was private could be fenced or sold or built on at its owner's sole pleasure, and was divided up between his sons at his death. What was public was marked off by boundary stones from neighbouring properties but had neither outside fence nor internal boundaries. Though all the households in the tribe or village had equal rights in it and could each graze as many animals, cut as much firewood or timber, build as many huts or folds and shoot as much game on it as they pleased, these rights came to them only as members of the community and were not transferable to strangers. They could not sell their grazing rights to an outsider, share a hut with him or graze his animals along with their own; if they wanted to give an outsider friend pasturage, they must do so on their private ground. They could not sell part of the common or dispose of firewood, timber or game for their individual gain; only the community could negotiate such sales, and all the profit or loss from them was community profit or loss. They could not build a permanent house on the common. When the head of a family died, his rights were not divided among his sons like his private property but descended to them jointly. Gypsies, it may be added, were allowed to pitch their tents, graze their animals and gather firewood on the common. Being as resourceful in Albania as elsewhere, they needed no permission and snared what game they could; as they did not carry firearms they could not shoot it.

Those communities which did not possess their own private summer pasturage, hired or rented it from near and far. Breg i Matit rented theirs partly from Shkrel and partly from Theth, and the latter was a full week's journey away. Modernity having come to Albania, they paid cash down. Fulqet rented a neighbour's mountain every summer and paid for it in the old-fashioned way with half an oke of butter, the same of sour-milk cheese and 2½ oke of sweet cheese for every forty sheep. Perlat again gave their own winter pasturage in return for leave to summer on the mountains of Lurë and Selitë. In Turkish times, Lurë asked neither money

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ten or twenty years, according to the crime. In Mirditë, presumably under church influence, the murderer of a priest was expelled for ever, and other anti-social criminals for five to fifteen years. In Martanesh the injured man might after an interval intercede with the local elders and secure a remission of part of the sentence; otherwise the murderer and his descendants must remain in exile. Several local traditions maintain that sentences of perpetual banishment were formerly much commoner. In Martanesh no such sentence has been pronounced for 200 years, and in Shpat none for 100 years. In Lurë any murderer used to be banished in perpetuity; witness the numerous families of Lurë origin who now live in Prizren, Tetovo, Reka and other places in Yugoslavia.

In Lurë when a man was sentenced to perpetual banishment, his nearest kinsmen, those who would have been his heirs in the event of his dying childless, divided up his land. His family was in fact reckoned as extinct so far as the tribe was concerned. In Mirditë also he was considered as dead to the tribe. Father Gjeçov gives two accounts of what happened there to his land. For ordinary expulsions it was left uncultivated and used for public grazing. When a man was expelled for breaking into a church or for killing a priest, his land was bought by his nearest kinsmen and the money given to the church. In Shpat again the murderer's nearest kinsmen divided up his land; but there the elders valued it and the kinsmen paid the murderer the estimated sum before he was drummed out; if they could not raise the money, the village found it, subject to recovering it later from the kinsmen. On the other hand, when a murderer was banished only for a term of years, his land everywhere remained uncultivated until his return, when he built a house and resumed cultivation. During his absence, his ownership of the land was uncontested, but he was not allowed to derive any profit from it. A voluntary exile was in a different position; he could empower a kinsman to work his land and throughout his absence to remit to him in his place of exile an agreed proportion of the profits.

When a man was expelled for good, the community signalled the same by tearing up the four corner-stones of the foundations of his house after they had burned it down. When his banishment was temporary, the corner-stones were left in place to await his return. Again when his banishment was perpetual, there could be no more giving or taking in marriage for him in the village; any engagements

589 her alive. It is doubtful if this punishment has been exacted on any such person within the last few generations.

As the reader can readily see, this custom has its economic aspects. The number of hands available for men's work is increased by two, that for women's work decreased by the same number. There is a second and less dramatic reason for a girl to swear virginity: if her father has no sons to help him with his work, or if his sons are killed. Then a daughter may step into the position of a son, and the situation is momentarily saved. However, [428] since the pseudo-son will have no offspring, the line will become extinct with her death, and the property pass to the next of kin on the father's side. This custom is at variance with the usual one in comparable societies, in which the husband of the man's daughter comes to live with her parents, and is adopted as an [611] heir. So strong is the belief in the continuity of the male line that this could not be done in Ghegnia.

On my travels I encountered only 2 sworn virgins. One wore men's clothes, and appeared to be either mentally defective or at least "queer." That also was her reputation. The second wore women's clothes. She was in her early twenties, and quite attractive. Since she spent the night with a junior member of my group of horse-drivers, I formed a poor opinion of the burning-alive theory. It is quite apparent that the practice of swearing virginity is not only often economic in motivation, but also a part of the whole business of local population control, along with the entire configuration of pride, insult, and feuding.

587 Two other mechanisms help maintain the personnel of the family at the optimum numerical working level, and to prevent the isolation of separate individuals or small, uneconomic groups. One is the levirate. Classically this means that when a man dies, his widow will be married to a surviving brother [165] or next of kin if such a brother is lacking. In a country where the rate of death by violence reaches the level of 40 per cent of all male [582] deaths in some localities, and where girls are married at 14 or 15, many are widowed.

Such a widow must be cared for by the men of her husband's family, since they have paid